

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRENDA COMEAU, and
KENDRA LARKIN,
Plaintiffs

CIVIL ACTION NO. 05-11088 JLT

v.

O'CHARLEY'S, INC., and
99 RESTAURANTS, LLC,
Defendants

**INITIAL DISCLOSURES OF DEFENDANTS, O'CHARLEY'S INC.
AND 99 RESTAURANTS, LLC PURSUANT TO FED. R. CIV. P. 26(A)(1)**

Pursuant to Fed. R. Civ. P. 26(A)(1), the defendants, O'Charley's, Inc. and 99 Restaurants, LLC make the following initial disclosures:

A. Individuals Likely to Have Discoverable Information that the Disclosing Party May Use to Support its Claims or Defenses.

1. Robert Luz, Executive Vice President of Human Resources
99 Restaurant & Pub
160 Olympic Avenue
Woburn, MA 01801

Subject matter: Mr. Luz was involved in the investigation of Mr. Hand pursuant to the allegations raised by Ms. Comeau and Ms. Larkin in May 2004. Mr. Luz also has information about the corporate structure of the defendants and their sexual harassment policy.

2. Jack Craig, Director of Operations
99 Restaurant & Pub
160 Olympic Avenue
Woburn, MA 01801

Subject matter: Ms. Comeau and Ms. Larkin reported to Mr. Craig in May 2004 that Mr. Hand had allegedly acted inappropriately towards them. Mr. Craig was responsible for conducting the investigation of Mr. Hand and Ms. Comeau's and Ms. Larkin's allegations.

3. Charles Noyes, former Operation Director
c/o 99 Restaurant & Pub
160 Olympic Avenue
Woburn, MA 01801

Subject matter: Mr. Noyes was responsible for the operations of the Fitchburg restaurant which included supervision of Mr. Hand, prior to Mr. Craig.

4. Steven McGovern, former Operation Director
c/o 99 Restaurant & Pub
160 Olympic Avenue
Woburn, MA 01801

Subject matter: Mr. McGovern was responsible for the operations of the Fitchburg restaurant which included supervision of Mr. Hand, prior to Mr. Craig.

5. Richard Huemme, General Manager
99 Restaurant & Pub
275 Summer Street
Fitchburg, MA 01420

Subject matter: Mr. Huemme replaced Mr. Hand as the General Manager of the Fitchburg restaurant. He may have information about Ms. Comeau's and Ms. Larkin's job performance.

6. Cheryl Whitney, Assistant Manager
99 Restaurant & Pub
275 Summer Street
Fitchburg, MA 01420

Subject matter: Ms. Whitney may have information about the allegations raised in the plaintiffs' complaint.

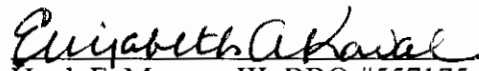
B. The defendants have the following categories of documents within its possession, custody or control that it may use in support of its defense of this matter:

1. Personnel file of Brenda Comeau (already produced in May 2005).
2. Personnel file of Kendra Larkin (already produced in May 2005).
3. 99 Restaurants, LLC sexual harassment policy.
4. Personnel file of Scott Hand (will not produce without a protective order).

- C. The defendants have made no claim for damages in this action.
- D. The defendants have an insurance policy that may be applicable to this action.

O'CHARLEY'S, INC. and
99 RESTAURANTS, LLC

By its attorneys,


Hugh F. Murray, III, BBO #557175
Elizabeth A. Kowal, BBO #646326
Murtha Cullina LLP
99 High Street
Boston, MA 02110
617-457-4000

DATED: October 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the
above document was served upon the attorney of
record for each party by mail/~~by hand~~.

DATE: 10/6/05 CAK